

VIRGINIA:

BEFORE THE BOARD OF MEDICINE

IN RE: MICHAEL D. POLLOCK, D.C.
License No.: 0104-000305

ORDER

In accordance with Sections 54.1-2919, 2.2-4019 and 2.2-4021 of the Code of Virginia (1950), as amended ("Code"), an informal conference was held with Michael D. Pollock, D.C., on September 3, 2003, in Richmond, Virginia. Members of the Virginia Board of Medicine ("Board") serving on the Informal Conference Committee ("Committee") were: Harry C. Beaver, M.D., Chairman; Dianne Reynolds-Cane, M.D.; and Carol E. Comstock, R.N. Dr. Pollock appeared personally and was represented by legal counsel, Michael L. Goodman, Esquire. The purpose of the informal conference was to inquire into allegations that Dr. Pollock may have violated certain laws governing the practice of chiropractic in the Commonwealth of Virginia, as set forth in an Amended Notice of Informal Conference dated June 25, 2003.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Now, having properly considered the evidence and statements presented, the Committee makes the following Findings of Fact and Conclusions of Law:

1. Dr. Pollock was issued license number 0104-000305 by the Board to practice chiropractic in the Commonwealth of Virginia on January 16, 1981. Said license will expire on October 31, 2004, unless renewed or otherwise restricted.
2. Dr. Pollock violated Section 54.1-2915.A(3), as further defined in Sections 54.1-2914.A(8), (11), (13) and (14) of the Code, and 18 VAC 85-20-100 of the Board's General Regulations, in that he engaged in a sexual relationship with Patient A concurrent with the practitioner/patient

relationship. Specifically, Dr. Pollock provided chiropractic treatment to Patient A beginning July 10, 2000 and ending approximately June 1, 2001. He employed Patient A in his office beginning October 2, 2000. In approximately November 2000, Dr. Pollock crossed appropriate boundaries with Patient A by engaging in an intimate, personal relationship that became sexually intimate in approximately February 2001. The information presented to the Committee established that the relationship was consensual.

3. Dr. Pollock provided information and a copy of a treatment record as an example of that which he maintains on his employees, including Patient A, and to his family members. However, Dr. Pollock acknowledged that there might be instances where he fails to record an encounter.

4. On or about October 11, 2002, Dr. Pollock examined Patient B in his office for her complaints of lower back pain and foot pain, without a chaperone present. Patient B appeared before the Committee and stated that before and during Dr. Pollock's examination of her, he made comments and touched her in a way that made her feel uncomfortable. Dr. Pollock explained that he did not realize Patient B felt uncomfortable, and that the examination he performed is a standard chiropractic test.

5. Dr. Pollock submitted an evaluation dated August 31, 2003 indicating that he may have failed to appreciate the implications of his entering into a personal/sexual relationship with Patient A. It further stated that it appeared that Dr. Pollock's behavior in reference to Patients A and B, as well as his behavior in reference to the incident reflected in the Board's January 22, 1999 Order "reflect a poor judgment and a lack of sensitivity to boundary issues with respect to his patients and former patients/employees." The evaluator recommended that Dr. Pollock continue

in treatment with a mental health professional to assist him in gaining insight into maintaining appropriate boundaries.

ORDER

WHEREFORE, it is hereby ORDERED that the license of Michael D. Pollock, D.C., to practice chiropractic be placed on INDEFINITE PROBATION upon the following terms and conditions:

1. Not later than November 1, 2003, Dr. Pollock shall have a female chaperone present at all times during his examination or treatment of all female patients. Dr. Pollock shall submit in advance the name and identification of the chaperone for approval by the Executive Director of the Board. Dr. Pollock's chaperone shall attest to her presence during examinations and treatment by countersigning any notes or physical findings made by Dr. Pollock. Further, Dr. Pollock shall ensure that the chaperone provides reports to the Board upon request.

2. Within six (6) months of entry of this Order, Dr. Pollock shall complete a course in professional boundaries, approved in advance of registration by the Board's Executive Director. If it is established that no acceptable course is available within six (6) months, the Board's Executive Director may extend the time frame for completion of this term. Within twenty-one (21) days of completion, Dr. Pollock shall submit a certificate or other evidence, satisfactory to the Board, of completion of the course(s). Any continuing education (CE) hours obtained in compliance with this term shall not be used towards compliance with the Board's continuing education requirements for licensure renewal.

3. Not later than November 1, 2003, Dr. Pollock shall develop a protocol to provide to his patients, which fully explains his proposed examination and treatment techniques. Said protocol

shall include a space for patients to sign their acknowledgement of receipt. Dr. Pollock shall provide the protocol to all patients, who shall sign the protocol prior to any examination or treatment. A copy of this protocol shall be provided to the Board by November 1, 2003. Signed protocols shall be maintained in each patient's record.

4. By December 1, 2003 Dr. Pollock shall pay a monetary penalty of One Thousand Dollars (\$1,000.00).

5. Dr. Pollock shall remain under the care of Sherman Master, M.D., until discharged by Dr. Master. Dr. Pollock shall sign an authorization providing for unrestricted communication between the Board and Dr. Master. Dr. Pollock shall ensure that a detailed report is submitted by Dr. Master to the Board on a calendar quarterly basis.

6. Dr. Pollock shall maintain a course of conduct in his practice of chiropractic commensurate with the requirements of Title 54.1, Chapter 29 of the Code and all laws of the Commonwealth.

7. Dr. Pollock shall cooperate with the Board and the Department of Health Professions in the investigation or inspection of his practice to verify that he is in compliance with this Order.

8. Dr. Pollock shall notify the Executive Director of the Board by certified mail of any change of address within ten (10) days of such occurrence.

9. In approximately twelve (12) months, Dr. Pollock shall be noticed to appear before an informal conference committee of the Board. Said committee shall provide the ongoing monitoring of Dr. Pollock's Order, determine the frequency of further appearances by Dr. Pollock before it, and shall serve as the instrument of the Board responsible for reviewing and approving all information relative to the terms and conditions of this Order.

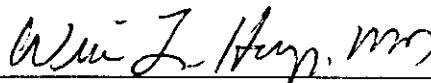
Violation of this Order may constitute grounds for suspension or revocation of Dr. Pollock's license. In the event that Dr. Pollock violates this Order, an administrative proceeding may be convened to determine whether his license shall be revoked.

Pursuant to Section 2.2-4023 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

Pursuant to Section 54.1-2919 of the Code, Dr. Pollock may, not later than 5:00 p.m., on October 13, 2003, notify William L. Harp, M.D., Executive Director, Board of Medicine, 6603 West Broad Street, Richmond, Virginia 23230, in writing that he desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

Therefore, this Order shall become final on October 13, 2003, unless a request for a formal administrative hearing is received as described above.

FOR THE BOARD



William L. Harp, M.D.
Executive Director
Virginia Board of Medicine

Entered: 9/10/03